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The right to development and the welfare society

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A. Introduction.

1. A welfare society will here provisionally be defined as one in which there is a constant improvement of the well-being of the entire population including all individuals within that society, based on their own active, free and meaningful participation in that development, and where the benefits from development are fairly distributed among the members of that society.

A welfare state exists where the state has a major role in organizing and ensuring the success of such efforts; in particular by ensuring the fair distribution of the benefits resulting therefrom¹.

A welfare society can exist without a strong welfare state. To test whether society X is a welfare society, the key indicators will be the performance of that society on two different scales: The free and active participation of all its individuals, and the equality in sharing of the benefits from the total activity of the society. The crucial test can be made by examining the fate of the most vulnerable in society. Wherever there are serious pockets of extreme poverty, illiteracy, lack of access to social services and health for the weakest groups, and in particular where the conditions for these have been stagnant or in fact worsening, it indicates the absence of a welfare society.

¹ It will be seen that the definition chosen is closely linked to the Declaration on the Right to development. In the past, there have been little efforts to distinguish between welfare society and welfare state.

The International Encyclopedia of the Social Sciences, in its 1968 edition, uses this formulation:

"The welfare state is the institutional outcome of the assumption by a society of legal and therefore formal and explicit responsibility of the basic wellbeing of all its members."

Encyclopedia Britannica (15th edition, 1987):

"welfare state, concept of government in which the state plays a key role in the protection and promotion of the economic and social well-being of its citizens."

2. Can a welfare society exist when the economic standard of living (as measured e.g. by GNP/ capita) is low, as it is in many of the developing countries? My provisional answer is yes, it can exist - but a welfare state can probably not exist in these circumstances. Both points need elucidation.

A welfare society can exist when, in spite of poverty, there is a constant improvement of the well-being of the entire population including all its individuals. Essential to this would be that there is an equal access by all to primary resources for the satisfaction of needs: Equal distribution of land, of access to hunting, fishing or other ways of securing an outcome, and a gradual absorption of persons into other economic activities (mining and other extractive industries, manufacture, and others) in a step-wise process before changes in agriculture or other primary activities cause landlessness and poverty.

A welfare state cannot exist, however - or only to a very limited extent - in such circumstances. The state will not be able to control resources for social security, unemployment benefits, extensive education beyond the primary level, until the material basis of society makes such resources available for the state.

3. Article 1 of the Declaration provides normative guidance both to the process of development and the outcome of the development process.

"The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized."

4. The welfare society is characterized by an effort to combine those two concerns: To allow and to facilitate free and active participation by all, and yet control developments sufficiently to orient the development process towards a social outcome where everyone can enjoy not only individual freedom but also economic, social and cultural rights. This immediately poses the dilemma: A

strong state tends to reduce the freedom of choice in participation by the individual, but a weak and passive state tends to result in a highly unequal enjoyment of the benefits resulting from the economic activities of the society as a whole.

5. Several issues arise which could require examination. For purposes of discussion I shall list some of them, though only a few will be further explored in this paper:

(a) In which way can "free and active participation by all" be achieved?

(b) How can an outcome be secured by which all participants can enjoy the freedom and in particular the economic and social rights?

(c) Must there be a transition stage, more or less long in duration, during which there will be serious inequalities in enjoying the economic and social rights?

(d) If there is such a transition stage, is it then possible to maintain for all the enjoyment of civil and political rights (including freedom of association, such as free trade unions) taking into account popular reaction to the profoundly unequal economic system, or can such transition stages only be maintained through authoritarian and repressive systems of government?

(e) If so, who is entitled to decide on behalf of the people what suffering they should be subjected to? A military government? Who gives them the mandate to do so?

(f) If, on the other hand, a transition stage of profound inequality is not accepted since it conflicts with the requirement that there shall be at all stages a fair distribution of the benefits of development and a satisfactory realization of economic and social rights for all, can prevention of serious inequality be achieved without political repression and generally low levels of development?

6. To which extent can development options in these regards be controlled by internal political and economic choices, and to which extent do they depend on external factors? To exemplify:

(a) Assume that an authoritarian government seeks to enforce a policy of egalitarianism, by nationalization, possibly collectivization and centrally directed development, what will be the external reaction to it? Will it receive external support from some quarters? Will it be subjected to negative external intervention, from some other quarters?

(b) Assume, on the other side, that an equally authoritarian government (e.g. a military government) seeks to maintain an unequal economic system by suppressing trade unions and preventing the emergence or activities of democratic forces calling for social security and other welfare transfers; will such a government receive support from some quarters, and/or negative intervention from other external actors?

Neither of the two governments behave in accordance with the requirements of the welfare society. They can seek to justify their behaviour by references to the need for a transition stage. The issue at stake for the international community is to determine what international policies should be pursued in these regards.

My own preference is to combine two elements in such international policies: One, to oppose all moves towards authoritarian (non-democratic) forms of government, under whatever pretext they are pursued, since all non-democratic governments engage in violations of human rights, more or less widespread; two, to assist as much as possible the society concerned, materially and technologically, in order to maintain its democracy and improve the satisfaction of economic and social rights for all.

7. This paper is primarily about national welfare societies. We may conceive also of a global welfare society (but not, in the foreseeable future, of a global welfare state). A global welfare society would be one which fulfills the requirements of the Universal Declaration art. 28: "Everyone is entitled to a global and international economic order in which these rights and freedoms can be fully realized".

8. Not all issues mentioned above can be examined in this brief paper. My purpose is first to reexamine some notions of development in the Declaration on the Right to Development in order to relate them to the notion of the welfare society; I shall then look at some aspects of the emergence of the welfare state, mainly exemplified by the one I know best, i.e. Norway, and examine current controversies concerning the role of the state in the welfare society; finally, I will make some observations on the applicability of the lessons derived from the welfare state, to societies in other parts of the world, and end up with a discussion of the prospects for the evolution of a global welfare society.

B. Development, the Right to Development, and Welfare.

1. Reference was made above to the Universal Declaration of Human Rights Art. 28, according to which everyone is entitled to a social and international order in which the rights set out in that declaration can be fully realized. This constitutes, in light of the definitions given in the introduction to this paper, a requirement to search for the development of national welfare societies and also for a global welfare society.

2. Further clarification of this concern is found in the Declaration on Social Progress and Development, adopted by the General Assembly in 1969². The principles of development are set out in articles 1 through 9. They stress the right of everyone to live in dignity and freedom and to enjoy the fruits of progress, towards which everyone shall also contribute (art.1); the immediate elimination of all forms of inequality as well as recognition and effective implementation of civil and political as well as economic and social rights (art.2), and the rapid expansion of national income and wealth and their equitable distribution among all members of society (art.7).

3. The Declaration on the Right to Development has taken us several steps further. It elaborates on the Declaration on Social Progress and Development, reiterating the basic requirements of welfare, but gives a stronger emphasis to the quest for a global welfare society through a combination of improved national performance and international co-operation (articles 3 para.3 and article 4).

4. If these declarations are to be taken seriously, they should form the basis of a more thoroughgoing dialogue between human rights adherents and those who are involved in development activities, nationally and internationally. We are still very far from achieving such a dialogue, which is held up both by dif-

² GA res. 2524(XXIV), 11.December 1969.

ferences in professional socialization (e.g. the gap between economistic and normative approaches to development issues), by ideological controversies, and by cultural variations.

5. Ideological controversies are now quickly disappearing, a fact which holds out the prospect that a much broader consensus might emerge on many issues regarding development. Cultural variations continue to be important and should not be underplayed; on the other hand, there is a increasing recognition of universal values including human rights. It may well be that the greatest difficulty for dialogue in the future will be the differences in professional socialization.

6. In the absence of such a dialogue, diffuse conceptions are held both by developmentalists and others of the very concept of development. It is a paradox that a concern to which vast resources are devoted, remain so poorly defined.

7. The Declaration on the Right to Development gives us some guidance, but much greater detail and precision is found in the Declaration on Social Progress and Development. It sets out both objectives of development (Part II, articles 10-13) and methods (articles 14-27). While one objective is to create conditions for rapid and sustained social and economic growth, particularly in the developing countries, (article 12) there are more specific objectives: The assurance at all levels of the right to work and the right to form trade unions and workers' associations; the elimination of hunger and malnutrition; the elimination of poverty and the assurance of a steady and continuous improvement of the standards of living and a just and equitable distribution of income; elimination of illiteracy and provision of free compulsory education at elementary level and to free education at all levels; the provision for all, particularly persons in low income groups and large families, of adequate housing and community services.

8. While these concerns shall be pursued at all times (Article 10); social progress and development shall aim at the progressive

realization of certain specified goals specified in Article 11. These include comprehensive social security, protection of the rights of the mother and child including measures to safeguard the health and welfare of women with particularly emphasis on working mothers during pregnancy and infancy of the children.

9. In terms of the objectives of development, the Declaration on the Right to Development does not have much to add. Its significance can be found in two other respects.

10. First should be mentioned its emphasis on the individual as the subject of development. In the development professions it is broadly assumed that the responsibility for development rests with the states; the international institutions (World Bank, IMF) also relates to the states as agents. In the Declaration on the Right to Development, however, it is stated in Article 2 that "the human person is the central subject of development".

11. Admittedly, the same article provides that "the state has the right and the duty to formulate appropriate national development policies"³. This brings us to one of the main dilemmas with which the welfare state is continuously faced: How can the individual be the central subject (rather than object) and yet the state formulate development policies which, i.a., ensure the fair distribution of the benefits of development?

12. Which is the unit of development? The family? The ethnic group? The county, region, town? The member state in a federal state? The sovereign state (whether unitary or federal) itself?

The modern statist approach tend to make the individual and the state the two counterparts; entities between these two are often

³This is much more pronounced in the Declaration on Social Progress and Development, which strongly emphasizes national planning and mobilization for the purpose of executing such plans. A significant shift in attitude to this question, moving away from reliance on centralized state planning, can be seen in the different approach taken in the Declaration on the Right to Development.

not seriously considered, even though the same issue could be examined at all levels. In recent years, however, we have seen the emergence of the notion of ethnodevelopment, which means that different ethnic groups living within the sovereignty of a state shall have a certain space for setting their own priorities and preferences of development which may deviate from those of the larger community. To the extent they are given the necessary autonomy to pursue their priorities, the issues discussed in this paper would arise for each ethnic group: Do they constitute a welfare society in regard to their members?

13. We have noted that the Declaration defines the individual as the subject of development but also makes her or him the beneficiary of development. The individual shall contribute on the basis of her or his free and active participation, but shall benefit from what the collectivity as a whole has achieved, which requires the eradication of all injustices in society (article 8 para. 1). A collectivity, including a state, may develop in ways which are positive for some and negative for others; the important but difficult task is to secure that unacceptable inequalities are corrected by appropriate mechanisms. It remains to be determined when the inequalities become unacceptable, and also what kind of measures should be used to eradicate them.

14. There are basically two approaches: One is redistribution, from time to time, of the assets required for individuals in order to be able to participate effectively; the other is to redistribute the produce, the achievements of the collective endeavors of society.

15. In the present time, sustainable development is also an important aspect of the wider notion.

C. THE NORDIC WELFARE STATE AS AN EXAMPLE.

I. Present-day features of the Nordic welfare state.

1. The social basis of the welfare state is a combined commitment to liberal⁴ and egalitarian values. Both are considered important. The linkage achieved between them now form part of the cultural heritage of the Nordic societies, a part of the cultural identity of their members. It is recognized that a comparable linkage has been achieved in some other societies, often referred to as "like-minded". There is no serious political conflict over the main elements in the welfare state, but controversies exist over some aspects. These will be examined below under subsection III.

2. In concrete terms, the main aspects are a relatively equal income distribution and comprehensive and equally accessible social services, based on a high level of taxation, direct and indirect, and some redistribution of income through progressive tax. The relatively equal income distribution has, at least in part, been achieved through the efforts of a strong and fairly unified trade union movement. There is a well developed system of collective negotiations between the board of trade unions and the board of employers' unions, facilitated by cultural and moral commitment to egalitarian values, significantly dampening the intensity of labour disputes.

3. The ownership structure is mainly private. Agriculture is entirely based on individual ownership. Extraction is mixed (the largest oil company is publicly owned). Some heavy industries have been state owned. But most of the industry is in private hands. There is a tendency towards reduction of state property. On the other hand, there is a commitment to ensure proper social

⁴ "Liberal" is here primarily understood in its civil and political sense: Individual freedom, freedom of expression and association etc. There is also economic liberalism, but tempered by strong egalitarian values.

functioning of property: This means that limits are set on the freedom to use property in ways which negatively affects the public. It can be exemplified by stringent rules for town planning; protection of areas used for recreation (beaches, forests and mountain areas). Even when privately owned such areas are to a large extent by law protected from exploitation in ways which bars access by the public or significantly reduce the recreational value of such areas.

4. Similar approaches influence the increasingly effective regulation based on environmental concerns: Exploitation of property in ways which negatively affect health or recreation of the general public is prohibited, and individuals whose recreational interests are affected can now sue the enterprise for compensation.

5. The system of government is based on the principle of division of power, rule of law, and the independence of the judiciary. The ideals first formulated by Montesquieu and later modified by American federalists had a strong impact on Nordic constitution-building. Parliamentarism was introduced in the previous century (in Norway in 1884), but independence of the judiciary in relation not only to the executive but also to the legislature remains an effective principle. The courts in Norway exercise judicial control with the constitutionality of ordinary legislation. If a litigant holds the constitutional safeguards for the individual (freedom of expression, non-retroactivity, principles of legality) to be set aside by law, and the court agrees, it can declare the law invalid, in whole or in part.

6. Of relevance for the discussion of the welfare state, however, is the fact that the state has become the main agent for regulation. This has led to widespread use of subsidiary legislation, adopted by the executive branch on the basis of powers delegated by the parliament. This evolution started in the beginning of the century, accelerated during the 1930s, and substantially extended from the end of World War II. Part and parcel of the welfare state, this evolution causes some problems

for the rule of law.

7. The courts can, and do, control the acts adopted by way of delegated legislation, setting them aside if they do not conform to the primary law adopted by the Parliament. The use of the courts, however, is often a costly and time-consuming process, not well adapted to the needs of ordinary citizens. To overcome this difficulty the system of Ombudsman has been instituted. There are at the moment several ombuds"men"⁵, in various ways devoted to a smoother functioning of the welfare state. They are all public offices and funded by the government. The main Ombudsman controls, on the basis of individual complaints, the compliance of the administration with the will of the Parliament as expressed in parliamentary legislation. One important task is to ensure that the individuals get the benefits they are entitled to according to welfare legislation. There is now also a consumers' Ombud, one Ombud for children, one for equality between men and women, and one for servicemen (and women) in the army. None of them have judicial powers, they can only express their views in regard to matters brought before them, but these views are normally taken very seriously by those involved. At present, it would be difficult to see how the welfare state system could function in a satisfactory way without these Ombuds-men and women.

⁵Some of them are women, and it is now common in Norwegian to use the gender-neutral term "Ombud" rather than "Ombudsman".

II. Historical evolution of the welfare state.

1. A number of European states⁶ share some common features in the historical evolution of the welfare state; there are other aspects which are particular to each country. Below a brief examination will be made of the stages common to most welfare states, followed by some comments on particularities relating to the Norwegian evolution. A simple periodization can be given⁷: The stage of experimentation was from 1870s to the 1920s, followed by consolidation in the 1930-1940s, an expansion stage in the 1950-1960s, and an emerging reformulation in the 1970s which still continues.

2. Our exploration can start with the situation prior to the emergence of economic liberalism in the 19th century. If we go far back in history, before the formation of the modern state apparatus, "welfare" was also in Europe in the hands of the family and the tribe. In gathering and hunting as well as in subsistence agriculture, the responsibility for the small children and the aged was held by those who were able to work. Everybody were expected to participate - the child as soon as it was coming of age, the aged as long as their physical capacity made it. With the emergence of urban settlements and with later dislocation in rural areas, the needs and the approach changed: During the 16th and the 17th century, social issues were in many European countries handled by a policy of rather cruel repression. Those unable to find access to sources for an outcome, through work or in other ways, were often placed in workhouses which can be compared to forced labour institutions in prison-like settlements.

⁶ Parallel features can be observed also in the United States and in Canada, New Zealand and Australia. There are, however, significant differences as well. A penetrating comparison is found in Peter Flora and Arnold J. Heidenheimer (eds.): *The Development of Welfare States in Europe and America*, Transaction Books (New Brunswick and London) 1981.

⁷ See Flora and Heidenheimer, *op.cit.*, pp. 386-387.

3. To this cruel pattern of repression as a way of solving poverty problems, 19th-century liberalism constituted a partial emancipation, but only partial. The coercive measures used against the poor were gradually dismantled, but society did not pay much attention to the fate of the losers in society. Due also to extended rural dislocation and sluggish industrial absorption of the landless into the labour force, serious slum areas had emerged in many European countries by the middle of the 19th century.

4. Moral and political reaction to this disrespect for the dignity of human beings brought about the pioneering efforts to create a welfare society. At the political level, mobilization of the urban poor started to have a political impact even before they had obtained voting rights; morally, the slums affected the conscience of those who were more well off. Outstanding novelists like Charles Dickens and Victor Hugo contributed to the revulsion against the misery generated by economic liberalism. Initial responses in the form of charity was gradually replaced by the introduction of social, and later also economic, rights.

5. Pioneering experiments were made by Germany. On 15 June 1883, Bismarck obtained the approval by the Reichstag for the proposal by his government to establish a national, compulsory sickness insurance scheme for all industrial workers. This was followed in Germany by several further social insurance laws during the 1880s, including accident insurance in 1884 and old age and invalidity pensions insurance in 1889. This legislation had a strong impact on several other European countries which in subsequent years started their own efforts to build the welfare society.

6. These development were influenced by two competing concerns: on the one hand, efforts by the middle and upper classes of society to stem the radicalization of workers by meeting some of their justified demands; on the other hand, the growing political mobilization of the less privileged parts of the population. This was both a cause and effect of the extension of voting rights.

Universal suffrage which was largely obtained before the beginning of World War I.

7. In the 1920s and '30s, the process continued, not only as a result of the extended political participation but also due to the growing strength of trade unions. A two-fold process took place: Rising wages and improved working conditions were achieved mainly through trade union efforts. Redistribution for purposes of social security and education for all over the state budget was achieved by democratic processes. The Keynesian revolution in economic thinking in the 1930s facilitated this evolution.

8. While the process was consolidated before World War II, there was a rapid expansion after the end of the war, helped by a broad national consensus to rebuild society through collective efforts. Never before or later has the same sense of unity of purpose been shared by all segments of the population, than during those years from 1945 to 1970. As we shall later see, however, modifications and reformulations started in the 1970s and the 1980s.

9. Some brief comments may be in order regarding the particular evolution in Norway. The society changed from an essentially agrarian subsistence society with very little urbanization in 1814, to a "high-tech" post-industrial society in 1989.

10. Norway had an old concept of nationhood, dating one thousand years back, but was united with Denmark and for all practical purposes a province under Denmark for four hundred and twenty years, until 1814. It obtained internal self-government and a democratic constitution based on the rule of law in 1814, though it had to accept a personal union with Sweden for 91 years, until full independence was obtained in 1905. The subsequent period of peaceful democratic development of society in full sovereignty has been interrupted only by five years of German occupation, 1940-45.

11. Apart from those years of occupation, there has never in the modern history of Norway been serious political conflicts leading

to the loss of life. Political and social conflicts have found a peaceful solutions. The existence of democratic institutions with a strong emphasis on the rule of law throughout made possible a smooth transformation from subsistence agriculture to an industrial and later a post-industrial society.

12. Admittedly, in 1814, democracy was limited. Only men were given voting rights; also for them there were property and other qualifications. During most of the 19th century, only about 40 percent of adult men had voting rights. In 1814 this was nevertheless one of the most extended democratic participation anywhere in Europe. Extension of voting rights took place at the end of the 19th century and was completed with voting rights also for women in 1913.

13. Genuine party formation did not take place until the middle of the 19th century. From the end of the 19th century there has been broad political pluralism. Social forces have emerged in line with the process of industrialization and diversification of society. Initially, the independent-minded small farmers were the backbone of democracy. Feudalism had never taken deep hold in Norway; land reform was carried out soon after democracy was introduced. The system of tenants was gradually eliminated during the 19th century, through a deliberate policy of securing the ownership of land to those who physically tilled the land. Hence, the smallholders, who had voting rights already from 1814, became a major factor in the democratic evolution of the society.

15. Significant was also the impact of the expansion of general education. General literacy was achieved by the middle of the 19th century. The primary school teacher came to play a significant role, together with the smallholders, in the democratic evolution of Norwegian society prior to the during to industrialization.

16. The emergence of a labour movement was not without conflicts. Since voting rights was restricted, primarily on the basis of property, the initial efforts to organize labour could not be

done through democratic participation. Not surprisingly, the first concerns of the labour movement was to have voting rights extended. The substantive demands were requests for better working conditions and social security. The first mobilization of labour, which took place in the 1840s, was repressed, though physical violence was not used. Marcus Thrane, the main leader, and several associates were detained in 1848 and given prison terms of up to four years.

17. Soon thereafter, however, a process of change started which in fact met demands made by this movement, and the deepening of democracy could continue.

18. In Norway, like in many other countries, the greatest expansion of the welfare state took place after 1945. The strong feeling of common purpose in the wake of liberation from foreign occupation and destruction was put to good use. Social conflict was subordinated to a united effort to achieve a dignified social existence by everyone. While differences in views were expressed regarding the speed and the scope of this process, the overall aim had few opponents.

19. Construction of the social security system by acts of legislation started in Norway with obligatory insurance against disability arising from industrial accidents (1894), followed by the first legislation on unemployment insurance came in 1906. Sickness insurance was initiated in 1909, old age pension in 1936, and child benefits in 1946. A broadly extended unemployment insurance to cover all, also the rural population, was adopted in 1949, followed by a general coverage of sickness insurance in 1953, and a generalized system of disability insurance in 1960. It culminated with the general social security legislation which was adopted in 1966 and give further extensions in 1971.

By 1978, the social security measures took 42.4% of public expenditures and constituted 22.3% of the Gross National Product.

III. CHANGING PERSPECTIVES ON THE WELFARE SOCIETY

1. Since the 1970s, a re-thinking and reformulation of the welfare state has taken place, without undermining its basic foundations. Several factors have caused the reassessment and modifications.

2. One is the need for structural adjustments to changes in the international economic system, resulting from an increasingly free trade and free flow of capital, which to some extent undermine the basis of Keynesian economics, and the other is the unexpected processes of recession and inflation which took place in the 1970s. Taken together, these factors have caused a greater concern with scarcity and a demand with prudence in public expenditure.

3. Another factor is the galloping costs of the social security system, influenced both by the increasing wages to those involved in social services, and to the elevated requirements established by law to hygienic, medical and personal standards of such institutions. These were set in periods of expectations of continued growth; in situations of scarcity there is a choice between reducing these standards or reducing the coverage of the social security benefits. Added to this is the changing population structure. The ratio between those who are gainfully employed and those who are receiving social security (old age, children and single mothers, unemployed, disabled persons) has been changing in disfavour of the gainfully employed population, due both to a low reproduction rate and greater longevity.

4. The over-extension of the social security system has also had consequences for the constitutional system and resulted in a renewed insistence on the rule of law. The overgrowth of delegated legislation promulgated and administered by the executive branch, and by co-operative organizations of various kinds in fisheries, agriculture and elsewhere, has caused problems for basic principles including control by the judiciary with legislation. A certain degree of arbitrariness within the

bureaucracy has also been noted.

5. Modifications resulting from these reassessments affect many aspects of public policies. One is related to the concern with full employment, which has been important to all welfare states. In Norway, a constitutional amendment in 1954 makes it a duty for the authorities to create conditions under which every able-bodied person can find her or his income through work. This has affected policies towards enterprises which become non-competitive on the international market. For a long time, the government sought to prevent these from collapsing by various kinds of economic assistance. Recognizing, however, that we were not only faced with recession but also with structural changes in production, unproductive and obsolete enterprises have had to be phased out even when unemployment resulted. This has caused greater pressure on the social security services.

6. Affected are also, in a country like Norway, the situation of farmers. Difficult physical and climatic conditions of agriculture make Norwegian farmers unable to produce at competitive prices in a free international market. A combination of subsidies and protection through regulation of imports have been maintained in order to avoid dislocation in rural areas, but also this policy is under serious pressure due to economic scarcity and international free trade requirements.

7. The debate and the modifications have centered around the role of the state. It has been increasingly alleged that the state has overstretched itself, and that it has been unable to deliver some of the social goods intended by the welfare society. Genuine equality has not been obtained, but clientilist relations between the welfare institutions and the beneficiaries have emerged, with consequences such as demobilization of initiative and self-reliance by the individual. The bureaucracy is held to be overgrown. Some critics argue that the social services are of greater benefit for the middle-men (and women) administering them than for the clients.

8. None of these criticisms have undermined the basic core of the commitment to a welfare society. Parts of them are widely held to be justified, reflecting the over-extension of the state and the bureaucracy during a period of un-interrupted economic growth until the 1970s.

9. Modifications adopted seek to maintain the basic aims, but pursue them through different means. A search is ongoing for low-cost substitutes in the means employed, including the payment by the beneficiaries themselves of a share of the costs of health and other services.

10. Privatization of some services have been tried, on the assumption that these would be more efficient than those run by the public. So far the experiences are rather mixed; some private services perform better than public, others do not. The extent of privatization is therefore still rather small.

11. A new challenge to the welfare society surfaced in the 1970s resulting from the increasing awareness of environmental degradation. Initially it appeared to confront the welfare society with a tragic dilemma: It was assumed that welfare could be achieved only through continued growth, and that further growth would by necessity lead to further environmental destruction and depletion of available natural resources (the "Limit to growth" debate). Hence a tension emerged between the quest for welfare in the material sense, and the concern with the environment.

12. A double response has been sought to this dilemma: On the normative level the concept of welfare has been broadened to include the protection of the environment. Pollution and contamination would not be compatible with a satisfactory existence. Two, it is claimed that ways can be found to combine economic growth with protection and improvement of environment. This was the main message of the report by the Brundtland Commission ("Our Common Future").

13. Chaired by the then Prime Minister of Norway, who as chairman of the Labour Party was deeply devoted to the welfare state, the Commission chose as focus its report the need to find avenues to sustainable development: Sustainable in the sense that it would neither create further deterioration in the environment, nor destroy the resources and conditions required for future generations to maintain and improve the standard of living.

14. Another challenge to traditional welfare policies in the 1970s in Norway was the Sami issue; comparable phenomena occurred more or less simultaneously in other societies. Norway has traditionally been a rather homogeneous society with little disparity in cultural values. The welfare state model, based on increasing utilization of natural resources for productive purposes and redistribution of benefits by the state, had not been seriously questioned by anyone. The Samis, a small indigenous people in the northern part of the country, had traditionally been subjected to assimilation policies, but their members had as individuals been given equal benefits under the welfare system.

15. In the 1960s and 70s there was a growing search by the Samis for cultural identity and autonomy. The welfare state treats human beings as individuals who all have the same needs, and natural resources are seen as national resources to meet these needs.

16. The brewing controversy came to a head with the building of the hydro-electric power plant in Alta. It was clear that it would have some negative impact on the reindeer herding which has been a traditional way of life for the Samis. The impact from that plant was not so dramatic in itself, but it came on the top of several similar activities affecting the traditional livelihood of the Samis.

A major but non-violent confrontation erupted, where the Samis seeking to prevent the building of the plant were joined by environmentalists, making the issue for some time the most

serious political issue in Norway.

It caused a considerable turn-around in Norwegian policies towards the Samis. It has resulted in a constitutional amendment recognizing the Samis as a distinct ethnic group in Norway, and the establishment of a Sami parliament. While it has only advisory powers, its advice will carry substantial weight, and it must be expected to give rise to formulation by the Samis themselves of new priorities in development as far as they are concerned. The welfare society will have to adapt to this new situation, whatever its implications will be - at the moment, they can not easily be predicted. The first session of the Sami parliament was held in the autumn of 1989.

D. LESSONS FOR THE RIGHT TO DEVELOPMENT IN OTHER SOCIETIES

1. Having examined the evolution of the welfare societies in Europe, and in particular the Nordic states, we might now want to draw lessons from this experience for other societies. A number of issues arise, to which references were made in the introduction of the paper. It should be kept in mind that the present welfare state in the countries examined is the outcome of a long historical process, evolved during a period of more than a century. While some other states do have an equally long period of national independence, making comparisons appropriate, other states have only recently emerged from colonialism and have therefore not had the option of sovereign decision-making regarding their own economic and political system. Nevertheless, it may be of some use to draw comparisons with development processes in other parts of the world.

2. The centrally planned societies of Eastern Europe, with emphasis on the Soviet Union.

At present, these societies are undergoing profound changes, originating in the policies of perestrojka and glasnost, terms which can be translated as reconstruction and openness. The process of rethinking underlying these two concepts was provoked by an awareness that the traditional structure of the Soviet and other socialist economies was dysfunctional. Its essence has been a centrally planned and directed economy. The directive planning mechanism was instituted in 1928, more or less simultaneously with the emergence with what is now called the period of the personality cult. The basic feature has been the Five-Year Plan, which sets out in great detail the blueprint of the physical output of almost all Soviet enterprises. It consists in effect a chain of commands establishing the quantity of goods and services to be produced, as determined by Gosplan and administered by a set of ministries covering all sectors of economic activity.

It has left little autonomy for the managers, let alone the

workers, and it has been combined with a labour plan which has determined where the citizens are to work and how much they are to be paid.

While the system has been, at least in part, devoted to the satisfaction of basic needs of all, and to the security of employment of everyone, it has turned out to be highly unsatisfactory in a number of respects. From the point of view of the right to development, it has not corresponded to the requirement of the active, free and meaningful participation of everyone in development, and in particular not to the basic principle that the individual is the subject (rather than object) of development. There is no need to dwell on this point in the present paper, since it is generally recognized that this approach was a fundamental aberration.

Practically all East European societies had now embarked upon a fundamental reorientation. It includes substantial decentralization in the economic field, and much greater openness, making it possible for the individuals to express their own views on the direction of development. It remains to be seen how far the different states will go in this reorientation, whether they will move towards the pursuit of a welfare society consisting of a combination of individual freedom, rule of law, and a fair distribution of the benefits arising from development to all members of society.

The experiment, which now by almost everyone has been recognized to have failed, was based on two major premises: one, that social conflicts could be overcome by socializing the means of production, and secondly, that a centrally directed plan of development would lead to such quick advancements in technological sophistication that material abundance could be achieved, making it possible to allow the state to wither away.

It failed for many reasons. One, that a centrally directed plan cannot make use of the creative energy of individuals, who would otherwise be the best to find out the weaknesses in the approach

and who could therefore initiate better ways of solving problems. Secondly, the system was so closed that it did not allow for genuine criticism, making it impossible for the planners to become aware of the weaknesses of the plans pursued.

The approach chosen, I submit, was influenced by the perception of the Western capitalist system as it was in the middle part of the 19th century, as analyzed by Karl Marx. He was faced, however, with a system of traditional economic liberalism, which had not yet embarked on the process which was to take it towards a welfare society including social and economic rights. That evolution, which started in Western and Northern Europe only at the end of the 19th century and was embraced also by the United States through the "New Deal" policies of the 1930s, reshaped the societies to such an extent that the criticism by Karl Marx became irrelevant to an understanding of the nature of the welfare societies of the second part of the 20th century.

The pursuit of glasnost underlines the importance of openness, of criticism and of the presentation of creative but alternative approaches. It also emphasizes the importance of the rule of law, legality, predictability instead of arbitrariness in the use of power. These are essential elements in the evolution of a welfare society and the ongoing changes in Central and Eastern Europe have created the basis for a fruitful dialogue between Western and Eastern industrialized countries in Europe.

3. The right to development and the "strategocratic" political systems

I now turn to an entirely different approach to development. This consists of political systems where a democratic evolution has been halted by military coups or interventions. With the recent, peaceful and democratic election of a new president in Chile, succeeding General Pinochet's 16 years of military rule, time may have come to analyze the dramatic negative consequences of the many military coups witnessed by the world since the 1960s. They

are of interest to the present paper, since most of them can be seen as an effort to stop democratic evolution and in particular to stop the evolution of a welfare society.

In essence the function of these military regimes have been to halt a peaceful, democratic evolution, where the different social forces in society through pluralistic participation could be allowed to pursue their different interests and to use the state for the necessary redistribution required in society.

A recent study by Tapia Valdes⁸ has examined 9 military coups and their impact on economy, politics, and social evolution. Based on substantial empirical investigation, the author concludes that most of these coups have occurred after, and in order to halt, a process of political evolution with deepening of democracy in the sense of a wider and real participation by all social groups in policy-making, where a growing contribution by the state to the overall welfare in the society had been sought.

He also points out that these regimes (which he calls "strategocratic" because they give priority to military strategy rather than democratic evolution) came to power amidst great expectations regarding their effectiveness to deal with problems of law and order, bureaucratic rationality, and economic development. In practice, however, these regimes have not only pursued a policy of regressive income distribution, promoting unemployment, and causing severe problems in the field of public health; they have also generated social unrest and serious problems of law and order. The conclusion is increasingly clear: the "strategocratic" regimes, which have given priority to "national security" in terms of a strong military role in internal politics, have not only blocked the evolution of a welfare society, but also caused a serious disruption in the evolution of the rule of law.

⁸ Jorge A. Tapia Valdés: "National security, the dual state and the rule of the exception. A study of the strategocratic political system", Universiteitsdrukkerij, Rotterdam, 1989.

4. African societies south of Sahara

In the Southern African region, African development is seriously retarded by the policies of aggression and the destabilization efforts by South Africa. Apartheid is not only a massive and flagrant violation of human rights but also constitutes a major obstacle to development of peoples inside as well as around South Africa. A future South Africa which is freed from apartheid, could on the other hand become an important partner in regional cooperation in Southern Africa, in pursuit of general welfare for all, irrespective of race.

Not only the countries in Southern Africa, but also other African countries face serious crises. External as well as domestic factors are involved. International financial institutions share their part of the responsibility.

In terms of the right to development, the crucial problem is the weakness of civil society. Too little attention is paid to the possibility for the individual to be a free and active participant in development, and to share equally in the benefits of development.

One serious problem is the lack of freedom for active trade unions in Africa. In the period leading up to independence, trade unions played a major role in the struggle for decolonization and independence. Today, they are often faced with grave restrictions on their actions, and in some places their activity are almost entirely prohibited. There is a need for African governments to engage more fully in the work of the ILO, not only by ratification of the ILO Conventions, but also by active participation in ensuring the independence of free trade unions.

In terms of welfare society, it has to be taken into account that agriculture remains a major element in African economies. The modern welfare society in the Nordic and other countries are the result of an industrial development, and one cannot expect the same kind of mechanisms in primarily agricultural societies.